

REMARKS

Claims 1-11 and 14-17 were originally submitted in this application.

All of the pending claims have been rejected as indefinite under 35 U.S.C. 112, 2nd Paragraph. Also, all of the claims have been rejected as anticipated by Henkel European patent 0833018 A2.

Applicant has amended the claims to obviate the indefiniteness rejection. It is requested that this ground of rejection be withdrawn.

The 35 U.S.C. 102(b) Rejection

Claims 1-11 and 14-17 have been rejected as anticipated by Henkel, the Examiner having considered only four drawings figures and a terse, 13-line Abstract. Applicant respectfully traverses this ground of rejection.

Henkel is characterized only as a “hinge device” and the Abstract goes into “detail” only about the structures seen in Figs. 1-3. How these generally ball-shaped hinge assemblies can be said to show all the elements of Applicant’s post, rail, connector, and panel assembly, as defined by claim 1, is unknown. For example, this claim calls for two rail portions, “each portion having a constant cross section...defining an elongate recessed channel on an underside.” There is nothing in Henkel which meets this first limitation in claim 1. The second limitation of claim 1 is “a panel supported at a top edge thereof within the recessed channel of the...rail portions.” There is nothing in Henkel which responds to this limitation. For example, giving Henkel all reasonably possible interpretations, Fig. 4 (visually only, there being no descriptive text in English) shows, at most, that panels are retained by joiner elements 9 (from Fig. 3) that are attached to arms 39 which, in turn, are screwed into posts 34. Elements 9 are the ball-shaped joints of the Henkel drawings. What appear to be rails 29 (horizontal, vertical, and at an angle) are endwise connected to the ball-shaped joints 8 of Fig. 2. There is no suggestion whatever in Henkel of rail portions with recesses having the top edge of a panel supported in the recesses.

It hardly seems necessary to go on, but further distinctions of claim 1 from Henkel can be identified.

Claim 1 calls for “a pair of partially overlapping arms, a first arm fitting wholly or substantially within the recessed channel of the first rail portion, and a second arm fitting wholly or substantially within the recessed channel of the second rail portion.” Since Henkel shows no rail portions with recesses on their undersides, there is no possibility that Henkel shows overlapping arms fitting in such recesses.

Independent claim 7 calls for a “a locking means for locking the insert to the post, the locking means comprising an upper portion of the insert defining a through hole and a lower portion of the insert defining a threaded hole for receiving a thread on the shaft, the through hole and shaft sized to provide relative clearance; wherein the position of each of the arms is lockable with respect to the insert and the insert is lockable with respect to the internal walls of the post by a single action of tightening the primary fastener.” There is clearly no structure in Henkel which responds to these limitations of claim 7. Fig. 2 of Henkel only shows a bolt 25 threaded directly into an element 36 which is located inside post 34 with a clearance fit. That is far from showing Applicant’s defined structure.

Claims 2-6 depend from claim 1 and are believed to be allowable at least for the same reasons as is claim 1.

Claims 8-11 and 14-17 depend from claim 7 are believed to be allowable at least for the same reasons as is claim 7.

Conclusion

Applicant believes that all issues raised by the Examiner have been addressed and fully met and that claims 1-11 and 14-17 define patentably over the cited and applied prior art. Early passage to issue is requested. Should any issues remain unresolved, Examiner MacArthur is invited to telephone the undersigned attorney.

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